

SCHEDULE 1

Article 2(1)

Application and Modification of the Police and Criminal Evidence Act 1984

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions applied</i>	<i>Modifications</i>
In section 54—	
subsection (1)	(i) for “The custody officer at a police station” substitute “A service policeman”; (ii) for paragraph (a) substitute “brought to a service police establishment under arrest or after being committed to custody on the order of a judicial officer; or”; and (iii) for paragraph (b) substitute “arrested at a service police establishment.”;
subsection (2)	(i) for “custody officer” substitute “service policeman”; and (ii) after “recorded” insert “in writing”;
subsection (3)	for “custody officer” substitute “service policeman”;
subsection (4)	for “the custody officer” substitute “a service policeman”;
subsection (5)	
subsection (6)	for “custody officer” wherever it appears substitute “service policeman”;
subsection (6A)	for “police station or is in police detention otherwise than at a police station” substitute “service police establishment”;
subsections (6B) and (6C)	for “constable” wherever it appears substitute “service policeman”;
subsection (7)	
subsection (8)	(i) at the beginning of the subsection insert the words “Subject to subsection (9),”; and (ii) for “constable” substitute “service policeman”;
subsection (9)	(i) for “constable” substitute “service policeman”; and (ii) after “searched” insert “but where a service policeman of the same sex is not readily available a search may be carried out by an officer, warrant officer, non-commissioned officer or leading rate who is of the same sex as the person searched and is acting under the direction of a service policeman”.
In section 54A—	
subsection (1)	(i) for “officer of at least the rank of inspector” substitute “authorising service policeman”; and (ii) for “detained in a police station” substitute “in custody at a service police establishment”;
subsections (2), (3) and (4)	for “officer” wherever it occurs substitute “authorising service policeman”;
subsection (5)	
subsection (6)	for “constables” substitute “service policemen”;

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Column 1	Column 2
subsections (7) and (8)	
subsection (9)	in paragraph (a) for “the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution” substitute “the detection, investigation or prosecution of offences under the service discipline Acts”;
subsections (11), (12) and (13)	
In section 55—	
subsection (1)	(i) for “officer of at least the rank of inspector” substitute “authorising service policeman”; (ii) in paragraph (a) for “police detention” where it first appears substitute “custody”; and (iii) in paragraph (a)(ii) for “police detention or in the custody of a court” substitute “custody”;
subsections (2) and (3)	for “officer” wherever it occurs substitute “authorising service policeman”;
subsection (3A)	
subsection (3B)	for “an appropriate officer” substitute the words “a service policeman”;
subsection (4)	
subsection (5)	for “officer of at least the rank of inspector” substitute “authorising service policeman”;
subsections (6) and (7)	for “constable” wherever it occurs substitute “service policeman”;
subsections (8) and (9)	for “police station” wherever it appears substitute the words “service police establishment”;
subsection (10)	for “the custody record relating to him shall state” substitute “a record shall be made in writing by a service policeman stating”;
subsection (10A)	for “the custody record relating to that person shall also state” substitute “a record shall be made in writing by a service policeman stating”;
subsection (11)	
subsection (12)	for “The custody officer at a police station” substitute “A service policeman”
subsection (13)	
subsection (13A)	(i) for paragraph (b) substitute “and”; and (ii) in paragraph (c) delete “or jury”;
subsection (17)	(i) in the definition of “the appropriate criminal intent” after the word “offence” insert “under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957, consisting of a civil offence”, delete “(a)”, delete “or” and delete paragraph (b); (ii) delete the definition of “appropriate officer”;

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	<p>(iii) after the definition of “Class A drug” insert: ““court” shall include a court-martial and summary appeal Court under any of the service discipline Acts, Standing Civilian Courts under section 6 of the Armed Forces Act 1976(1) and the Courts-Martial Appeal Court under the Courts-Martial (Appeals) Act 1968(2)</p> <p>(iv) for “officer” in the definition of “drug offence search” substitute “authorising service policeman”; and</p> <p>(v) after “nurse” in the definition of “suitably qualified person” insert “; or (c) a member of the Royal Naval Medical Branch.”.</p>
In section 55A—	
subsection (1)	<p>(i) for “officer of at least the rank of inspector” substitute “authorising service policeman”;</p> <p>(ii) for “police detention” substitute “custody”; and</p> <p>(iii) for “the officer” substitute “the authorising service policeman”;</p>
subsection (2)	
subsection (3)	for “an appropriate officer” substitute “a service policeman”;
subsection (4)	
subsection (5)	for “The custody record of the person must also state” substitute “A record shall be made in writing by a service policeman stating”;
subsection (6)	
subsection (9)	<p>(i) for paragraph (b) substitute “and”; and</p> <p>(ii) in paragraph (c) delete “or jury”;</p>
subsection (10)	<p>(i) delete “, “appropriate officer”“; and</p> <p>(ii) after “above” add “as amended by this Order”.</p>
In section 56—	
subsection (1)	for “police station” substitute “service police establishment”;
subsection (2)	<p>(i) in paragraph (a) for “police detention” substitute “custody”;</p> <p>(ii) in paragraph (a) for “an indictable offence” substitute “a serious service offence”; and</p> <p>(iii) in paragraph (b) for “officer of at least the rank of inspector” substitute “authorising service policeman”;</p>
subsection (3)	for the words after “hours” substitute “from the time of his arrest”;
subsection (4)	for “officer” substitute “authorising service policeman”;
subsection (5)	<p>(i) omit “Subject to subsection (5A) below,”;</p> <p>(ii) for “officer” substitute “authorising service policeman”; and</p> <p>(iii) in paragraph (a) for “an indictable offence” substitute “a serious service offence”;</p>
subsection (6)	(i) in paragraph (a) for “detained person” substitute “person in custody”; and

(1) 1976 c.52.
(2) 1968 c.20.

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	(ii) in paragraph (b) for “noted on his custody record” substitute “recorded in writing by a service policeman”;
subsection (7)	
subsection (8)	for “detained at a police station” substitute “held in custody at a service police establishment”;
subsection (9)	
In section 58—	
subsection (1)	(i) for “police station” substitute “service police establishment”; and (ii) for “solicitor” substitute “legal adviser”;
subsection (2)	(i) omit “Subject to subsection (3) below,”; and (ii) for “the custody record” substitute “writing by a service policeman”;
subsection (4)	for “solicitor” substitute “legal adviser”;
subsection (5)	(i) for “solicitor” substitute “legal adviser”; and (ii) for the words after “hours” substitute “from the time of his arrest”;
subsection (6)	(i) in paragraph (a) for “police detention” substitute “custody”; (ii) in paragraph (a) for “an indictable offence” substitute “a serious service offence”; and (iii) in paragraph (b) for “officer of at least the rank of superintendent” substitute “authorising service policeman”;
subsection (7)	for “officer” substitute “authorising service policeman”;
subsection (8)	(i) omit “Subject to subsection (8A) below,”; (ii) for “officer” substitute “authorising service policeman”; (iii) for “detained” substitute “in custody”; and (iv) in paragraph (a) for “an indictable offence” substitute “a serious service offence”;
subsection (9)	(i) in paragraph (a) for “detained person” substitute “person in custody”; and (ii) in paragraph (b) for “noted on his custody record” substitute “recorded in writing by a service policeman”;
subsections (10) and (11)	
In section 61—	
subsection (1)	
subsection (2)	for “police station” substitute “service police establishment”;
subsection (3)	(i) for “detained” wherever it appears substitute “in custody”; (ii) for “police station” substitute “service police establishment”; (iii) in paragraph (a) for “recordable offence” substitute “recordable service offence”; and (iv) in paragraph (b) for “the police” substitute “a service policeman”;
subsection (3A)	for “the police” substitute “a service policeman”;
subsection (4)	(i) for “detained” substitute “in custody”; (ii) for “police station” substitute “service police establishment”;

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	(iii) in paragraph (a) for “recordable offence” substitute “recordable service offence”; and (iv) in paragraph (b) for “the police” substitute “ a service policeman”;
subsection (6)	(i) omit “(a)” and for the words after “convicted” substitute “or found guilty of a recordable service offence”; and (ii) omit paragraphs (b) and (c);
subsection (7)	in paragraph (b) after “recorded” insert “in writing by a service policeman”;
subsection (7A)	(i) for “police station” substitute “service police establishment”; (ii) in paragraph (a) for “an officer” substitute “a service policeman”; and (iii) in paragraph (b) after “recorded” insert “in writing by a service policeman”;
subsection (8)	(i) for “detained at a police station” substitute “in custody at a service police establishment”; and (ii) after “recorded” substitute “in writing by a service policeman”;
subsection (8B)	(i) for “detained at a police station” substitute “in custody at a service police establishment”; and (ii) for “constable” substitute “service policeman”;
subsection (10)	
In section 61A—	
subsection (1)	
subsection (2)	for “at a police station” substitute “at a service police establishment”;
subsection (3)	(i) for “detained at a police station” substitute “in custody at a service police establishment”; (ii) in paragraph (a) for “detained” substitute “in custody”; (iii) in paragraph (a) for “recordable offence” wherever it appears substitute “recordable service offence”; and (iv) in paragraph (b) for “the police” substitute “a service policeman”;
subsection (4)	for “the police” substitute “a service policeman”;
subsection (5)	(i) for “police station” substitute “service police establishment”; (ii) in paragraph (a) for “an officer” substitute “a service policeman”; (iii) in paragraph (b) after “recorded” insert “in writing by a service policeman”; and (iv) in paragraph (b) delete the words after “been taken”;
subsection (6)	in paragraph (b) for “on his custody record” substitute “in writing by a service policeman”;
subsection (7)	(i) for “detained at a police station” substitute “in custody at a service police establishment”; and (ii) for “constable” substitute “service policeman”;
subsection (8)	omit “(a) arrested or detained under the terrorism provisions; (b)”.
In section 62—	
subsection (1)	(i) omit “Subject to section 63B below.”;

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	(ii) for “in police detention” substitute “in custody at a service police establishment”; and (iii) in paragraph (a) for “a police officer of at least the rank of inspector” substitute “an authorising service policeman”;
subsection (1A)	(i) for “in police detention” substitute “in custody at a service police establishment”; and (ii) in paragraph (a) for “a police officer of at least the rank of inspector” substitute “an authorising service policeman”;
subsection (2)	(i) for “officer” substitute “authorising service policeman”; and (ii) in paragraph (a) for “recordable offence” substitute “recordable service offence”;
subsection (3)	for “officer” substitute “authorising service policeman”;
subsection (4)	
subsection (5)	for “an officer” substitute “a service policeman”;
subsection (6)	
subsection (7)	after “recorded” insert “in writing by a service policeman”;
subsection (7A)	(i) for “police station” substitute “service police establishment”; (ii) in paragraph (a) for “an officer” substitute “a service policeman”; and (iii) in paragraph (b) after “recorded” insert “in writing by a service policeman”;
subsection (9)	
subsection (9A)	after “medical practitioner;” insert “(aa) a member of a service medical authority;”;
subsection (10)	(i) omit “(i) whether to commit that person for trial; or (ii)”; (ii) omit paragraph (aa); (iii) delete “or jury”; and (iv) after “proper” add “and “court” shall have the same meaning as applied by this order in relation to section 55(17).”;
subsection (11)	for the words after “provisions of” substitute “sections 5 to 10 of the Road Traffic Act 1988 ⁽³⁾ as applied to persons subject to the service discipline Acts by section 184 of that Act, to the provision of a sample for drug testing nor to the provision of a sample under section 32 of the Armed Forces Act 2001 ⁽⁴⁾ ”.
In section 63—	
subsections (1), (2) and (2A)	
subsection (2B)	(i) for “in police detention” substitute “in custody at a service police establishment”; and (ii) for “recordable offence” substitute “recordable service offence”;
subsection (2C)	in paragraph (a) for “the police” substitute “a service policeman”;

(3) 1988 c.52.
 (4) 2001 c.19.

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subsection (3)	(i) in paragraph (a) for “by the police on the authority of a court” substitute “on the order of a judicial officer”; and (ii) in paragraph (b) for “officer of at least the rank of inspector” substitute “authorising service policeman”;
subsection (3A)	(i) for “in police detention or held in custody by the police on the authority of a court” substitute “in custody at a service police establishment after arrest or held in custody during court martial proceedings”; (ii) in paragraph (a) for “recordable offence” substitute “recordable service offence”; and (iii) for “the police” substitute “a service policeman”;
subsection (3B)	for “recordable offence” substitute “recordable service offence”;
subsection (3C)	for the words after “whom” substitute “section 116A of the Army Act 1955(5), section 116A of the Air Force Act 1955(6) or section 63A of the Naval Discipline Act 1957(7) applies and he has been made the subject of a hospital order.”;
subsection (4)	(i) for “officer” substitute “authorising service policeman”; and (ii) in paragraph (a) for “recordable offence” substitute “recordable service offence”;
subsections (5) and (5A)	for “officer” wherever it appears substitute “authorising service policeman”;
subsection (6)	for “an officer” substitute “a service policeman”;
subsection (7)	
subsections (8) and (8A)	after “recorded” wherever it appears insert “in writing by a service policeman”;
subsection (8B)	(i) for “police station” substitute “service police establishment”; (ii) in paragraph (a) for “an officer” substitute “a service policeman”; and (iii) in paragraph (b) after “recorded” insert “in writing by a service policeman”;
subsection (9ZA)	for “constable” substitute “service policeman”;
subsection (11)	
In section 63A—	
subsection (1)	for “recordable offence” substitute “recordable service offence”;
subsections (1A), (1B), (1C), (1D) and (2)	
subsection (3)	after “applies” add “or in other places used for the accommodation of persons held in service custody”;
subsection (4)	(i) for “constable” substitute “service policeman”;

(5) 1955 c.18.
(6) 1955 c.19.
(7) 1957 c.53.

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	<ul style="list-style-type: none"> (ii) after “require a person” insert “who is subject to a service discipline Act and”; (iii) for “in police detention nor held in custody by the police on the authority of a court” substitute “in custody at a service police establishment nor held in custody during court-martial proceedings”; (iv) for “police station” substitute “service police establishment while so subject”; (v) for “recordable offence” wherever it appears substitute “recordable service offence”; (vi) in paragraph (a) for “the police” substitute “a service policeman”; (vii) in paragraph (b) after “been convicted” insert “or found guilty”; and (viii) in paragraph (b) after “conviction” wherever it appears insert “or finding of guilt”;
subsection (5)	<ul style="list-style-type: none"> (i) for “police station” substitute “service police establishment”; (ii) for “the appropriate officer” wherever it appears substitute “a service policeman”; and (iii) in paragraph (b) after “conviction” insert “or finding of guilt”;
subsection (6)	
subsection (7)	for “constable” substitute “service policeman”.
In section 64—	
subsection (1A)	for the words after “related to” substitute “the detection, investigation or prosecution of offences under the service discipline Acts.”;
subsection (1B)	<ul style="list-style-type: none"> (i) in paragraphs (a) and (b), after “person” add “for purposes related to the detection, investigation or prosecution of offences under the service discipline Acts”; and (ii) omit paragraphs (c) and (d);
subsection (3)	
subsection (3AA)	in paragraph (a) after “convicted” add “or found guilty”;
subsection (3AB)	<ul style="list-style-type: none"> (i) delete “Subject to subsection (3AC) below,”; and (ii) after “from the sample” substitute “shall, subject to subsection (1B), be used for a purpose related to an investigation or prosecution of an offence conducted under any of the service discipline Acts”;
subsection (3AC)	for paragraph (b) substitute “and”;
subsection (3AD)	
subsection (5)	in paragraph (b) for “chief officer of police” substitute “service policeman”;
subsection (6)	
subsection (6A)	for “the responsible chief officer of police” substitute “a service policeman not below the rank of Lieutenant (Royal Navy), Captain (Army) or Flight Lieutenant (Royal Air Force) answerable for the maintenance of that computerised fingerprint record”.
In section 64A—	
subsection (1)	for “detained at a police station” substitute “in custody at a service police establishment”;

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subsection (1A)	(i) for “falling within subsection (1B) below” substitute “who has been arrested by a service policeman for an offence”; (ii) for “the relevant event referred to in subsection (1B)” substitute “the arrest”; and (iii) for “police station” substitute “service police establishment”;
subsection (2)	
subsection (3)	for “constables” substitute “service policemen”;
subsection (4)	in paragraph (a) for “the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution or to the enforcement of a sentence” substitute “the detection, investigation or prosecution of offences under the service discipline Acts”;
subsections (6), (6A) and (7)	
In section 65—	
subsection (1)	(a) insert the following definitions— (i) after the definition of “appropriate consent” insert: ““authorising service policeman” shall be construed in accordance with subsections (2A) and (3); “custody” means custody under any of the service discipline Acts” (ii) after the definition of “intimate search” insert: ““legal adviser” means— (a) a person who has a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 ⁽⁸⁾ ; (b) an advocate or Solicitor in Scotland; (c) a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland; or (d) a person having in any Commonwealth country or territory outside the United Kingdom rights and duties similar to those of a barrister or solicitor in England and subject to punishment or disability for a breach of professional rules;”; (iii) after the definition of “non-intimate sample” insert: ““recordable service offence” means an offence contrary to section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 for which the corresponding civil offence is a recordable offence ⁽⁹⁾ and the offences listed in Schedule 2;”; (iv) after the definition of “registered health care professional” insert: ““serious service offence” means:

⁽⁸⁾ 1990 c.41.

⁽⁹⁾ See Police and Criminal Evidence Act 1984 (1984 c.60), section 27, and the National Police Records (Recordable Offences) Regulations 2000 (S.I. 2000/1139, amended by S.I 2003/2823).

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	<p>(a) an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 for which the corresponding civil offence is triable on indictment; and</p> <p>(b) an offence under any other provision of the service discipline Acts which, if preferred under the Army Act 1955, could not be dealt with summarily under that enactment⁽¹⁰⁾;</p> <p>“service discipline Acts” means the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957;</p> <p>“service medical authority” means the Royal Naval Medical Branch, the Royal Naval Dental Branch, Queen Alexandra’s Royal Naval Nursing Service, the Royal Army Medical Corps, the Royal Army Dental Corps, Queen Alexandra’s Royal Army Nursing Corps, the Royal Air Force Medical Branch, the Royal Air Force Dental Branch and Princess Mary’s Royal Air Force Nursing Service;</p> <p>“service police establishment” means a building, office, tent, cabin or other facility used by a service policeman in connection with the performance of his duties;</p> <p>“service policeman” means a member of the Royal Navy Regulating Branch, the Royal Marines Police, the Royal Military Police, the Royal Air Force Police or the staff of the Royal Air Force Provost Marshal;”;</p> <p>(b) delete the definitions of “the terrorism provisions” and “terrorism”;</p>
subsection (1A)	
subsection (2)	
	after subsection (2) add—
	<p>“(2A) Subject to subsection (3), no person shall act as an authorising service policeman unless he is a service policeman of or above the rank of Lieutenant (Royal Navy), Captain (Army) or Flight Lieutenant (Royal Air Force).”</p>
	<p>“(3) In any case where it is not practicable to comply with the provisions of subsection (2A) above, any service policeman may act as an authorising service policeman so long as he is senior in rank to the service policeman seeking authorisation.”.</p>
In section 117—	for “constable”, “police officer” or “officer” wherever they appear substitute “service policeman”.

⁽¹⁰⁾ The offences capable of summary disposal under the Army Act 1955 are listed in regulation 9 of the Custody and Summary Dealing (Army) Regulations 2000 printed in Part 1B of the Manual of Military Law, 1972 Edition (The Stationery Office) at page 667.